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- GRAY SCALE DOCUMENTS

# IMAGES ARE BEST AVAILABLE COPY.

As rescanning documents will not correct images, please do not report the images to the Image Problem Mailbox.

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OR	

## DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION (37 CFR 1.63)

Declaration Submitted with Initial Filing	OR		Declaration Submitted after initial Filing (surcharge (37 CFR 1.16(e)) required)
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Attorney Docket Number	BP 1622
First Named Inventor	Anders Hebsgaard
COMPLETE	IF KNOWN
Application Number	
Filing Date	
Group Art Unit	
Examiner Name	

As a below named invento	r, I hereby deci	are that:	•					
My residence, post office address, and citizenship are as stated below next to my name.								
I believe I am the original, first, and sole inventor (if only one namis listed below) or an original, first, and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:								
1	DOCSIS MA	AC LAY	ER-BASED ARQ FOR	FIXE	WIRE	LESS		
the specification of which is attached hereto  OR	200000			o Appliac	stian Numar	shar ar DCT	Intornal	Sanal
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amendment specifically refer I acknowledge the duty to dis I hereby claim foreign priority 3659a) of any PCT internation have also identified below, application having a filing date	closenformation, benefits under ona application w by checking the	35 U.S.C. hich desig	119(add) or 365(b) of any for nated at least one country o foreign application for pate	reign app ther thar	olication(s	s) for patent ed States o	f Americ	ca, listed below a
Prior Foreign Application Number(s)	Count	ry	Foreign Filing Date (MM/DD/YYYY)		Priority Certified Copy Att			y Attached? NO
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				lity or Design						
I hereby claim the benefit under 35 U.S.C. 120 of any United States application, or 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the pricular United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to										
disclose information which is material to patentability as defined in 37 CFR 1.56 which became available between the filing date of the prior										
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Additio		CT international application	n numbers are	listed on a supp	olemental	priority data	sheet PTO/	SB/02B	attached hereto	
Direct all correspondence to: Customer Number OR Correspondence address below										
Name	I toman A	or Bar Code	Label	<del></del> -						
Address		larrison & Markison, LL	P							
Address	P.O. Box									
City	Dallas			State	TX			Zip	75367	
Country	US			Telephone		02-8100		Fax	(214) 902-8101	
I hereby dec	are that all s	tatements made herein o	f my own kno	wledge are true	and that	all stateme	nts made	on infor	mation and belief are	
believed to b	e true; and	further that these stateme	ents were mad	te with the kno	wiedge th	at willful fals	se stateme	nts and	thestikenade are	
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	Give	n Name (first and middle	(if anyl)		<u> </u>			ly Name or Surname		
		ANDERS			HEBSGAARD					
Inventor's	Signature:				Date:		/ 0			
	Andle	s Helgaarel			3	1. Oct	5 20	03		
Residence		City: Frederiksberg	State/Prov:		Country	: Denmark	Citize	enship:	DANISH	
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Name of Se	cona inven	tor			A pe				nsigned inventor	
	Give	n Name (first and middle	[if any])			Fa	mily Name		name	
		MARK					DA	LE		
Inventor's	Signature:				Date:					
Residence		City: Laguna Hills	State/Prov:	CA	Country	: US	Citize	nship:	US	
Post Offic	e Address	26962 Willow Tree Lar	ne							
	e Address					r				
City		Laguna Hills	State/Prov:	CA	Zip: 926	53	Country	US		

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BP 1622

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#### ASSIGNMENT

WHEREAS, the undersigned inventors, hereinafter called the "Assignors", have invented a new and useful invention entitled:

#### DOCSIS MAC LAYER-BASED ARQ FOR FIXED WIRELESS

for which reference a full description is here made in an application for Letters Patent of the United States filed herewith.

WHEREAS, Broadcom Corporation, a USA company having a principal office and place of business at, 16215 Alton Parkway Irvine California 92618-7013 hereinafter called the "Assignee", is desirous of acquiring the entire right, title and interest in and to said invention, the application above identified, and in, to and under Letters Patent which may be obtained for said invention, as hereinafter more fully set forth;

NOW, THEREFORE, TO ALL WHOM IT MAY CONCERN, be it known that for valuable legally sufficient consideration, the receipt of which by the Assignors from the Assignee is hereby acknowledged, the Assignors have sold, assigned and transferred, and by these presents do sell, assign and transfer unto the Assignee, its successors and assigns, the entire right, title and interest in and to the invention and the application herein above identified, and all Letters Patents that may issue for the said invention, and all division, reissues, substitutions, continuations, and extensions thereof, to have and to hold for the sole and exclusive use and benefit of the Assignee, its successors and assigns to the full end of the term for which any and all of said Letters Patents for the said invention may issue.

FURTHER, be it known that the Assignors have sold, assigned and transferred, and by these presents do sell, assign and transfer unto the Assignee, its successors and assigns, the entire foreign rights to the invention disclosed in said application, in all countries of the world, including the right to file applications and obtain patents under the terms of the International Convention, and further agrees to execute any and all patent applications, assignments, affidavits, and any other papers in connection therewith necessary to perfect such patent rights.

And the Assignors do hereby covenant and agree, for themselves and their legal representatives, that they will assist the Assignee in the prosecution of the application herein identified; in the making and prosecution of any other applications for Letters Patent that the Assignee may elect to make covering the invention herein identified, as herein before set forth, including any application for reissue, application for reexamination, application for foreign patent rights, or any proceeding in the United States Patent and Trademark Office affecting the invention, investing in the Assignee exclusive title in and to all such other applications and Letters Patent; and in the prosecution of any interference which may arise involving said invention, or any application or Letters Patents herein contemplated; that they will promptly execute and deliver to the Assignee any and all additional

papers and make all lawful oaths which may be requested by the Assignee to fully carry out the terms of this assignment; and further that they will communicate to Assignee, or to its successors, assigns, and legal representatives, and facts known respecting said invention, and at the expense of the Assignee, testify in any legal proceedings, and generally do everything possible to aid the Assignee, its successors, assigns and nominees to obtain and enforce proper patent protection for said invention in all countries.

And the Commissioner of Patents and Trademarks is hereby authorized and requested to issue all Letters Patent to the Assignee in accordance with the terms of the assignment.

IN TESTIMONY WHEREOF, the Assignors have hereunto set their hands on the date indicated below.

Anders Hebsgaard	nes Oct 31.	·	
Anders Hebsgaard	date 2003	Mark Dale	date
	date		date
	date		date



## **DECLARATION OF JAMES A. HARRISON**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

#### FACT #1

On November 3, 2003, I wrote a letter (copy of Certificate of Mailing is attached), on behalf of Assignee, to Mr. Mark Dale (the non-signing inventor) at the address provided by Assignee and enclosed a copy of the specification, figures, Declaration, and Assignment, with instructions to Mr. Dale to review the patent application and to execute the Declaration and Assignment and to return to me by December 1, 2003. I have enclosed a copy of this letter.

#### FACT #2

On March 10, 2004, after not having received a response from Mr. Dale to my first letter, I wrote a second letter that was sent via Certified Mail, Return Receipt Requested. I copy of this is also enclosed. Again I sent a second copy of the specification, the Declaration and the Assignment, and asked him to review the application once again and to let me know if there were any concerns so that I may attempt to resolve them. I requested a response from him by March 23, 2004.

#### FACT #3

The Return Receipt has not yet been received as of this date, thereby suggesting that Mr. Dale has refused to accept the package and sign the Return Receipt.

#### FACT #4

Mr. Dale has not responded to my attempts to reach him and to obtain his signatures as he is required to provide under his employment agreement with his former employer, the present assignee. Moreover, Mr. Dale has an established pattern of refusing to cooperate with the present assignee and its representatives in numerous other applications for patent. Accordingly, it is very

clear that Mr. Dale has no intention of cooperating and providing his signature as his employment contract requires. As of the date of this Petition, I have not received the Declaration or the Assignment, nor have I heard from or had any communication with Mr. Mark Dale regarding obtaining the necessary documents since I originally had tried to contact him.

James A. Harrison, Reg. No. 40,401

**GARLICK HARRISON & MARKISON** 

P.O. Box 670007 Dallas, Texas 75367 (214) 902-8100/office (214) 902-8101/facsimile



# GARLICK HARRISON & MARKISON, LLP

ATTORNEYS AT LAW

4550 MELISSA LANE DALLAS, TEXAS 75229

TELEPHONE (214) 902-8100 FACSIMILE (214) 902-8101 E-MAIL: jharrison@texaspatents.com

**♦ INTELLECTUAL PROPERTY AND TECHNOLOGY LAW ◆** 

November 3, 2003

Mr. Mark Dale 26962 Willow Tree Lane Laguna Hills, CA 92653

RE: Utility Patent Application entitled, "DOCSIS MAC Layer-Based ARQ for Fixed Wireless"; Attorney Docket No. BP 1622; Declaration and Assignment

Dear Mr. Dale,

I have assumed responsibility for the prosecution of the aforementioned utility patent application from Robert Strawbrich, as he is no longer with our firm. As such, enclosed please find a copy of the specification and figures for the above-referenced patent application filed on October 30, 2003, in which you are listed as a co-inventor. After reviewing the application, please sign the Declaration and Assignment and fax back to me at the above number by December 1, 2003. Please send the originals via regular U.S. mail using the enclosed return self-addressed stamped envelope.

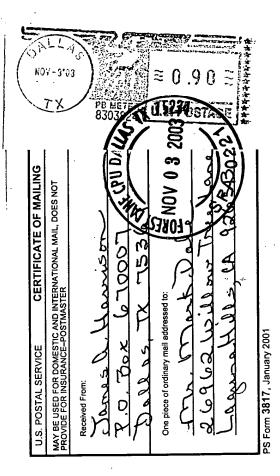
I appreciate your assistance in this matter. Please feel free to call me if you have any questions or comments.

Very truly yours,

James A. Harrison

**Enclosures** 

JAH/slm



Mail America Forest Lane 3767 Forest Lane. Ste 124

Dallas, TX 75244 972-241-7880

Invoice#: 01115156 Clerk: ADRIAN

11/03/2003 15:25

Cash, Check, Charge

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Garlick Harrison & Markison, LLP P.O. Box 670007 Dallas, TX 75367



James A. Harrison Garlick Harrison & Markison, LLP P.O. Box 670007 Dallas, TX 75367

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1	As a below named invento	or I hereby declare that:								
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,	My residence, post office address, and citizenship are as stated below next to my name.  I believe I am the original, first, and sole inventor (if only one name is listed below) or an original, first, and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:									
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	the specification of which is attached hereto									
	OR									
	waş filed on (MM/DD/YYYY) October 30, 2003 as United States Application Number or PCT International Application Number and was amended on (MM/DD/YYYY) (if applicable).									
•	I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.									
·	I acknowledge the duty to dis	sclose information, which is	material to	patentability as de	fined in 3	7 CFR	1.56.			
	I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 3659a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PC5T international application having a filing date before that of the application on which priority is claimed.									
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Additional provisional application numbers are listed on a

supplemental priority data sheet PTO/SB/02B attached hereto

Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto:

I hereby claim the benefit under 35 U.S.C. 119(e) of any United States provisional application(s) listed below.

Application Number(s) Filing Date (MM/DD/YYYY)

DECLARATION – Utility or Design Patent Application									
I hereby da	I hereby claim the benefit under 35 U.S.C. 120 of any United States application(s), or 365(c) of any PCT International application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not								
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Name	Inman A	or Bar Code Harrison	Labei						
Address		Harrison & Markison, LL	D						
Address	P.O. Box								
	Dallas	670007		State	Тх			Zip	75367
City	US			Telephone		902-8100		Fax	(214) 902-8101
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7.1.0-		ANDERS			HEBSGAARD				
Inventor's S	ignature:				Date:				
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Residence		City: Frederiksberg	State/Prov:	:	Country	ntry: Denmark Citizer			
Post Office	Address	Guldborgvej 15, 5 <sup>th</sup>							
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City		Frederiksberg	State/Prov:		Zip: 200	0	Country	: Denn	nark
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Given Name (first and middle [if any])					Family Name or Sumame				
MARK						DAL	.E		
Inventor's Signature:					Date:				
Residence		City: Laguna Hills	State/Prov:	CA	Country:	US	Citize	nship:	US
Post Office	Address	26962 Willow Tree Lan	ie						
Post Office	Address								
City		Laguna Hills	State/Prov:	CA	Zip: 926	53 C	ountry:	US	

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BP 1622

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#### ASSIGNMENT

WHEREAS, the undersigned inventors, hereinafter called the "Assignors", have invented a new and useful invention entitled:

#### DOCSIS MAC LAYER-BASED ARQ FOR FIXED WIRELESS

for which reference a full description is here made in an application for Letters Patent of the United States filed herewith.

WHEREAS, Broadcom Corporation, a USA company having a principal office and place of business at, 16215 Alton Parkway Irvine California 92618-7013 hereinafter called the "Assignee", is desirous of acquiring the entire right, title and interest in and to said invention, the application above identified, and in, to and under Letters Patent which may be obtained for said invention, as hereinafter more fully set forth;

NOW, THEREFORE, TO ALL WHOM IT MAY CONCERN, be it known that for valuable legally sufficient consideration, the receipt of which by the Assignors from the Assignee is hereby acknowledged, the Assignors have sold, assigned and transferred, and by these presents do sell, assign and transfer unto the Assignee, its successors and assigns, the entire right, title and interest in and to the invention and the application herein above identified, and all Letters Patents that may issue for the said invention, and all division, reissues, substitutions, continuations, and extensions thereof, to have and to hold for the sole and exclusive use and benefit of the Assignee, its successors and assigns to the full end of the term for which any and all of said Letters Patents for the said invention may issue.

FURTHER, be it known that the Assignors have sold, assigned and transferred, and by these presents do sell, assign and transfer unto the Assignee, its successors and assigns, the entire foreign rights to the invention disclosed in said application, in all countries of the world, including the right to file applications and obtain patents under the terms of the International Convention, and further agrees to execute any and all patent applications, assignments, affidavits, and any other papers in connection therewith necessary to perfect such patent rights.

And the Assignors do hereby covenant and agree, for themselves and their legal representatives, that they will assist the Assignee in the prosecution of the application herein identified; in the making and prosecution of any other applications for Letters Patent that the Assignee may elect to make covering the invention herein identified, as herein before set forth, including any application for reissue, application for reexamination, application for foreign patent rights, or any proceeding in the United States Patent and Trademark Office affecting the invention, investing in the Assignee exclusive title in and to all such other applications and Letters Patent; and in the prosecution of any interference which may arise involving said invention, or any application or Letters Patents herein contemplated; that they will promptly execute and deliver to the Assignee any and all additional

papers and make all lawful oaths which may be requested by the Assignee to fully carry out the terms of this assignment; and further that they will communicate to Assignee, or to its successors, assigns, and legal representatives, and facts known respecting said invention, and at the expense of the Assignee, testify in any legal proceedings, and generally do everything possible to aid the Assignee, its successors, assigns and nominees to obtain and enforce proper patent protection for said invention in all countries.

And the Commissioner of Patents and Trademarks is hereby authorized and requested to issue all Letters Patent to the Assignee in accordance with the terms of the assignment.

IN TESTIMONY WHEREOF, the Assignors have hereunto set their hands on the date indicated below.

Anders Hebsgaard	date	Mark Dale	date
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	date		date
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# GARLICK HARRISON & MARKISON, LLP

AFR O 6 MONA

ATTORNEYS AT LAW

4550 MELISSA LANE DALLAS, TEXAS 75229

TELEPHONE (214) 902-8100 FACSIMILE (214) 902-8101 E-MAIL: jharrison@texaspatents.com

♦ INTELLECTUAL PROPERTY AND TECHNOLOGY LAW ♦

March 10, 2004

Mr. Mark Dale 26962 Willow Tree Lane Laguna Hills, CA 92653

VIA CERTIFIED MAIL-RRR #7000 1530 0004 6380 2786

RE: Utility Patent Application entitled, "DOCSIS MAC Layer-Based ARQ for Fixed Wireless". Docket No. BP1622

Dear Mr. Dale,

Enclosed please find a second copy of the above-referenced patent application for which you-were listed as a co-inventor. The first copy was sent to you on November 3, 2003. The application was filed with the U.S. Patent and Trademark Office on October 30, 2003 without your signatures on the "Declaration" and "Assignment". We are at the point now that we are being asked by the United States Patent and Trademark Office to provide your signatures or to file various papers explaining why we don't have a signature for you. Our preference is to obtain your signature to avoid the additional paperwork. Along these lines, if you have any concerns, please let me know so that I may attempt to resolve them. After reviewing the application, please sign and return the enclosed "Declaration" and "Assignment" documents in order that we may forward these to the U.S. Patent and Trademark Office. A return envelope is provided for your convenience. Please also fax a copy of the signature pages for both documents to the above fax number.

We respectfully request that you respond by March 23, 2004, either by signing and faxing the above documents to me, or by calling me.

Again, if you have any concerns regarding this application, please feel free to call me to discuss.

Very truly yours,

andes A. Harrison

**Enclosures** 

cc: Dee Henderson (w/o encls.)

JAH/slm

BP1622-Req for Sigs-Dale-031004

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Declaration	
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required)

Attorney Docket Number	BP 1622
First Named Inventor	Anders Hebsgaard
COMPLETE	I F KNOWN
Application Number	
Filing Date	
Group Art Unit	
Examiner Name	

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As a below named invento	r, I hereby decla	are that:								
My residence, post office ad-	dress, and citize	nship are a	s stated below next to my nam	ne.						
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		DECLA	RATION - Uti	lity or Design	n Patent A	pplication			
I hereby da	im the ber	nefit under 35 U.S.C. 12	20 of any Uni	ited States a	pplication(	s), or 365(c	) of any	PCT in	emational application
decionating	the United	States of America, listed	i below and, it	nsofar as the	subject m	atter of ead	h of the cl	aims of	this application is not
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acknowledge	the duty	to disclose information	which is mate	erial to paten	tability as	defined in	37 CFR 1	1.56 wh	ich became available
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Direct all cor	responden	ce to: Customer Nu	mber	OR [	Corres	pondence a	ddress bel	ow	
		or Bar Code	Label						
Name		Harrison							
Address		<u>łarrison &amp; Markison, LL</u>	<u>.P</u>						
Address	P.O. Box	670007		1	1			- ·	
City	Dallas			State	TX			Zip	75367
Country	US			Telephone		02-8100		Fax	(214) 902-8101
I hereby dec	are that all	statements made herein	of my own kn	owledge are t	rue and the	at all statem	ents made	on info	rmation and belief
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Name of So					A pe				nsigned inventor
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		ANDERS					<b>HEBSG</b>	AARD	·
Inventor's S	ignature:				Date:				
Residence		City: Frederiksberg	State/Prov:		Country:	Denmark	Citize	nship:	
Post Office	Address	Guldborgvej 15, 5 <sup>th</sup>							
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		MARK					DAI	.E	
Inventor's S	ignature:				Date:				
	•								
Residence		City: Laguna Hills	State/Prov:	CA	Country:	US	Citize	nship:	US
Post Office	Address	26962 Willow Tree Lar							
Post Office									
City		Laguna Hills	State/Prov:	CA	Zip: 926	53	Country:	US	

2 BP 1622

#### **ASSIGNMENT**

WHEREAS, the undersigned inventors, hereinafter called the "Assignors", have invented a new and useful invention entitled:

### DOCSIS MAC LAYER-BASED ARQ FOR FIXED WIRELESS

for which reference a full description is here made in an application for Letters Patent of the United States filed herewith.

WHEREAS, Broadcom Corporation, a USA company having a principal office and place of business at, 16215 Alton Parkway Irvine California 92618-7013 hereinafter called the "Assignee", is desirous of acquiring the entire right, title and interest in and to said invention, the application above identified, and in, to and under Letters Patent which may be obtained for said invention, as hereinafter more fully set forth;

NOW, THEREFORE, TO ALL WHOM IT MAY CONCERN, be it known that for valuable legally sufficient consideration, the receipt of which by the Assignors from the Assignee is hereby acknowledged, the Assignors have sold, assigned and transferred, and by these presents do sell, assign and transfer unto the Assignee, its successors and assigns, the entire right, title and interest in and to the invention and the application herein above identified, and all Letters Patents that may issue for the said invention, and all division, reissues, substitutions, continuations, and extensions thereof, to have and to hold for the sole and exclusive use and benefit of the Assignee, its successors and assigns to the full end of the term for which any and all of said Letters Patents for the said invention may issue.

FURTHER, be it known that the Assignors have sold, assigned and transferred, and by these presents do sell, assign and transfer unto the Assignee, its successors and assigns, the entire foreign rights to the invention disclosed in said application, in all countries of the world, including the right to file applications and obtain patents under the terms of the International Convention, and further agrees to execute any and all patent applications, assignments, affidavits, and any other papers in connection therewith necessary to perfect such patent rights.

And the Assignors do hereby covenant and agree, for themselves and their legal representatives, that they will assist the Assignee in the prosecution of the application herein identified; in the making and prosecution of any other applications for Letters Patent that the Assignee may elect to make covering the invention herein identified, as herein before set forth, including any application for reissue, application for reexamination, application for foreign patent rights, or any proceeding in the United States Patent and Trademark Office affecting the invention, investing in the Assignee exclusive title in and to all such other applications and Letters Patent; and in the prosecution of any interference which may arise involving said invention, or any application or Letters Patents herein contemplated; that they will promptly execute and deliver to the Assignee any and all additional

papers and make all lawful oaths which may be requested by the Assignee to fully carry out the terms of this assignment; and further that they will communicate to Assignee, or to its successors, assigns, and legal representatives, and facts known respecting said invention, and at the expense of the Assignee, testify in any legal proceedings, and generally do everything possible to aid the Assignee, its successors, assigns and nominees to obtain and enforce proper patent protection for said invention in all countries.

And the Commissioner of Patents and Trademarks is hereby authorized and requested to issue all Letters Patent to the Assignee in accordance with the terms of the assignment.

IN TESTIMONY WHEREOF, the Assignors have hereunto set their hands on the date indicated below.

Anders Hebsgaard	date	Mark Dale	date
	date		date
	date		date

grand and af



James A. Harrison Garlick Harrison & Markison, LLP P.O. Box 670007 Dallas, TX 75367

arlick Harrison & Markison, LLP O. Box 670007 allas, TX 75367 mes A. Harrison



MR. MARK DALE 26962 Willow Tree Lane Laguna Hills, CA 92653

## SENDER: COMPLETE THIS SECTION COMPLETE THIS SECTION ON DELIVERY ■ Complete items 1, 2, and 3. Also complete A. Received by (Please Print Clearly) B. Date of Delivery item 4 if Restricted Delivery is desired. Print your name and address on the reverse C. Signature so that we can return the card to you. Attach this card to the back of the mailpiece, ☐ Agent or on the front if space permits. ☐ Address D. Is delivery address different from item 1? ☐ Yes 1. Article Addressed to: If YES, enter delivery address below: Mr. Mark Dale 26962 Willow Tree Lane Laguna Hills, CA 92653 Service Type Certified Mail ☐ Express Mail Registered ☐ Return Receipt for Merchandise Insured Mail ☐ C.O.D. 4. Restricted Delivery? (Extra Fee) ☐ Yes (Transfer from service label) PS Form 3811, March 2001 **Domestic Return Receipt** UNITED STATES POSTAL SERVICE First-Class Mail Postage & Fees Paid USPS Permit No. G-10 Sender: Please print your name, address, and ZIP+4 in this box James A. Harrison Garlick Harrison & Markison, LLP P.O. Box 670007 Dallas, TX 75367 U.S. Postal Service CERTIFIED MAIL RECEIPT (Domestic Mail Only; No Insurance Coverage Provided) 2786 CIA Postage Certified Fee 4000 Return Receipt Fee (Endorsement Required) Restricted Delivery Fee (Endorsement Required) ,530 ,530 Total Postage & Fees 7000 7000 Street, Apt. No.; or PO Box No

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